IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6417 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PUNIT NAGAR CO OP HOUSING SOC - Petitioner(s)

Versus

SECRETARY REVENUE DEPTT - Respondent(s)

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Appearance :

MR DEEPAK M SHAH for Petitioner No(s).: 1.

MR PR ABICHANDANI AGP for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 25/08/2005

ORAL JUDGMENT

Petition pertains to the Urban Land covered under Urban Land Ceiling Act. By an affidavit dated 23rd August, 2005 filed by the Competent Authority and Additional Collector, Rajkot, it is brought on record that with respect to the land in question namely land bearing Survey No.26 of village Mahudi, Tal. And District

Rajkot admeasuring 16,265.2 sq. mtrs. exemption by the authority was cancelled by an order dated 19/1/1993. By order dated 27/7/1993 passed by this Court in the present petition while issuing notice, status quo was ordered to be maintained. It is also stated in the affidavit that upto August, 1993 the last stage reached was that of issuance of notification under Section 10 (1) of the Urban Land (Ceiling and Regulations) Act, 1976 which notification was issued on 30th December, 1992. It is thus, a clear statement on affidavit that the matter never progressed beyond issuance of notification under Section 10 (1) of the said Act. Admittedly, therefore, possession of the land in question was never taken from the petitioner. In view of this un-controverted position and in view of the provisions of the Urban Land (Ceiling and Regulations) Repeal Act, 1999 all proceedings pertaining to land in question would abate. The petition is disposed of accordingly. Rule is made absolute. No order as to costs.

(Akil Kureshi, J.)

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